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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,093	02/08/2001	Davin G. Saderholm	14094	1672

7590

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EXAMINER

ILAN, RUTH

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/779,093

Applicant(s)

SADERHOLM ET AL.

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 48-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 55-59 is/are allowed.
- 6) ☒ Claim(s) 48-50, 52, 60-62 and 65 is/are rejected.
- 7) ☒ Claim(s) 51, 53, 54, 63, 64, 66 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 48, 49, 50, 52, 60, 61 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neidert (US 6,176,513 B1). Neidert (Figure 3) teaches a safety restraint apparatus for protecting occupants of a vehicle including first and second cushion portions (13,17) positioned proximate first and second lateral surfaces (front and rear windows) so as to protect an occupant of a front and rear seat, respectively. Also included is a sail portion (unnumbered thinner portion between 17 and 13, marked by the Examiner in Figure 3) However, the cushion of Neidert is one-piece construction, and does not include first and second cushion portions that are separate pieces from the sail portion. It would have been obvious to one having ordinary skill in the art at the time of the invention to make the one-piece air bag of Neidert in three separate pieces, including a first, second, and sail portion, in order to provide a manufacture that does not require large sizes of stock material. Additionally, it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Regarding claim 50 and 61 the Examiner takes Official Notice that it is well known in the air bag art to join fabric by sewing, and other bonding methods. Regarding claim 52, it would have been obvious to one having ordinary skill in the art at the time of the invention to include a gas tight connection between the sail ports of the first and second cushions and the ends of the sail portion,

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since it is well known in the art that side air bags must maintain their full gas volume in order to be useful during a rollover or side impact event. Regarding claim 45 Neidert fails to teach a second sail portion and a third cushion portion that extends to the D-column of a vehicle. It would have been obvious to one having ordinary skill in the art at the time of the invention to extend the air bag Neidert to the extra seat in a vehicle with a D-column, in order to provide protection for passengers in a vehicle with a third seat, and because it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Additionally it would have been obvious to extend the device in the claimed manner, that is by the addition of a sail portion, and then a third cushion portion, because Neidert teaches that the sail portion is usefully thin so as to provide an air bag that does not require a large quantity of inflation fluid for those areas that do not require protection (28, see col. 2, lines 30-34.)

3. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neidert (US 6,176,513 B1) in view of Veiga et al. (US 6,239,046 B1) Neidert is discussed above and fails to teach polyurethane coating of the variously claimed internal and external surfaces of the first, second, and sail portions. Veiga et al. teaches coating the internal and external surfaces of an air bag with polyurethane (14) as part of a coating process in order to provide superior heat resistance. It would have been obvious to one having ordinary skill in the art at the time of the invention to treat the internal and external surfaces of the air bag of Neidert with polyurethane, as taught by Veiga et al., in order to provide superior heat resistance during deployment of the air bag.

***Allowable Subject Matter***

4. Claims 55-59 are allowed.
5. Claims 51, 53, 54, 63, 64, and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RI

January 23, 2003

*Ruthell*  
1/23/03

*Paul N. Dickson* 1/24/03  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
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